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Twentieth Century Fox Film Corporation
and Warner Bros. Home Entertainment Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Twentieth Century Fox Film Corporation and Warner Bros. Home Entertainment Inc., Plaintiffs, v. Joseph Pitter and Does 1 – 10, inclusive, Defendants.	Case No. COMPLAINT FOR COPYRIGHT INFRINGEMENT DEMAND FOR A JURY TRIAL

Plaintiffs Twentieth Century Fox Film Corporation ("Fox") and Warner Bros. Home Entertainment Inc. ("Warner Bros.") (collectively "Plaintiffs"), for their Complaint allege as follows:

A. Jurisdiction and Venue

1. Plaintiffs bring this action pursuant to 17 U.S.C. §§ 101, *et seq*. The Court has jurisdiction over the subject matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

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2. The events giving rise to the claim alleged herein occurred, among other places, within this judicial district. Venue in the Central District of California is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

B. Introduction

3. Plaintiffs own exclusive United States distribution rights in various creative works, including, but not limited to, motion pictures and television shows, that are entitled to copyright protection (the "Plaintiffs' Works"). Defendants, through various online venues, distribute, promote, offer for sale and sell unauthorized copies of the Plaintiffs' Works (the "Unauthorized Media Product"). Plaintiffs are informed and believe, and based thereon allege, that this infringement activity is systematic and willful or done with reckless disregard of Plaintiffs' intellectual property rights. Plaintiffs ask that this Court enjoin that activity and order Defendants to pay damages pursuant to the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq*. (the "Copyright Act").

C. Plaintiff Fox

4. Fox is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business in Los Angeles, California.

5. Fox and certain of its affiliated companies are engaged in a variety of businesses including, without limitation, the production and distribution of motion pictures and television programs (the "Fox Works").

6. Fox owns exclusive rights under the Copyright Act to the Fox Works, including the rights to reproduce, distribute or license the reproduction and distribution of the Fox Works in video format in the United States, including, but not limited to, those copyrights that are the subject of the copyright registrations listed in Exhibit "A," attached hereto, and incorporated herein by this reference. Video format includes, but is not limited to, digital versatile discs ("DVDs") and Blu-ray discs.

7. The expression and other distinctive features of the Fox Works are wholly original with Fox, its licensors and/or assignors and, as fixed in various tangible media, are copyrightable subject matter under the Copyright Act.

8. Fox, or any predecessor in interest, has complied in all respects with the laws governing copyright and has secured the exclusive rights and privileges in and to the Fox Works, and Fox holds certificates of registration and/or secured exclusive licenses or assignments to reproduce, distribute and license the Fox Works throughout the United States.

9. The Fox Works have been manufactured, sold and/or otherwise distributed in conformity with the provisions of the copyright laws. Fox, and those acting under its authority, have complied with their obligations under the copyright laws and Fox, in its own right or as successor-in-interest, has at all times been, and still is, the sole proprietor or otherwise authorized to enforce all right, title and interest in and to the copyrights or to enforce its exclusive rights in each of the Fox Works.

D. Plaintiff Warner Bros.

10. Warner Bros. is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business in Burbank, California.

11. Warner Bros. and certain of its affiliated companies are engaged in a variety of businesses including, without limitation, the production and/or distribution of motion pictures and television programs (the "Warner Bros. Works").

12. Warner Bros. owns exclusive rights under the Copyright Act to the Warner Bros. Works, including the rights to reproduce, distribute or license the reproduction and distribution of the Warner Bros. Works in video format in the United States, including, but not limited to, those copyrights that are the subject of the copyright registrations listed in Exhibit "B," attached hereto, and incorporated

herein by this reference. Video format includes, but is not limited to, digital versatile discs ("DVDs") and Blu-ray discs.

13. The expression and other distinctive features of the Warner Bros. Works are wholly original with Warner Bros., its licensors and/or assignors and, as fixed in various tangible media, are copyrightable subject matter under the Copyright Act.

14. Warner Bros. has secured from Warner Bros. Entertainment Inc. and Home Box Office, Inc. the exclusive rights and privileges to reproduce, distribute, or license the reproduction or distribution of the Warner Bros. Works throughout the United States. Warner Bros., its affiliates, licensees and/or assignors have complied in all respects with the laws governing copyright.

15. The Warner Bros. Works have been manufactured, sold and/or otherwise distributed in conformity with the provisions of the copyright laws. Warner Bros., its affiliates, licensees and/or assignors have complied with their obligations under the copyright laws, and Warner Bros., in its own right or as successor-in-interest, has at all times been and still is the sole proprietor or otherwise authorized to enforce all right, title and interest in and to the copyrights or to enforce its exclusive rights in each of the Warner Bros. Works.

16. The Fox Works and Warner Bros. Works are collectively referred to herein as Plaintiffs' Works.

E. **Defendants**

17. Defendant Joseph Pitter ("Pitter") is an individual. Plaintiffs are informed and believe that Pitter is a resident of Lithonia, Georgia. Plaintiffs are further informed and believe, and upon that basis allege, that Pitter does business under the eBay "User ID" "tuffdan". Pitter, through his online identity, does business in this judicial district through offers and sales of the Unauthorized Media Product using the eBay online auction platform with its principal place of business in Santa Clara County, California.

18. Upon information and belief, Does 1 – 10 are either entities or individuals who are residents of or present in this judicial district, and are subject to the jurisdiction of this Court. Upon information and belief, Does 1 – 10 are principals, supervisory employees, or suppliers of one or other of the named defendants or other entities or individuals who are, in this judicial district, manufacturing, distributing, selling and/or offering for sale merchandise which infringes the Plaintiffs' Works. The identities of the various Does are unknown to Plaintiffs at this time. The Complaint will be amended to include the names of such individuals when identified. The named Defendants and Does 1 – 10 are collectively referred to herein as "Defendants."

F. Defendants' Infringing Activities

19. Defendants have copied, reproduced, distributed, advertised and/or sold and continue to copy reproduce, distribute, advertise and/or sell unauthorized copies of motion pictures and/or television programs owned by Plaintiffs or their affiliates, respectively, who Defendants knew or should have known are located in this district, including, but not necessarily limited to, the Plaintiffs' Works identified in Exhibits A - B. The copies sold by Defendants are obviously unauthorized. The packaging fails to conform with packaging characteristic of Plaintiffs' genuine product and the disks do not contain the file structure characteristic of legitimate product.

20. Defendants have not been authorized by Plaintiffs to reproduce, distribute, sell or offer for sale any of the Plaintiffs' Works.

21. By engaging in this conduct, Defendants have acted in willful disregard of laws protecting Plaintiffs' copyrights. Plaintiffs have sustained and will continue to sustain substantial damage to the value of its creative works, specifically including the Plaintiffs' Works.

G. Plaintiffs' Damages

22. Plaintiffs are informed and believe, and upon that basis allege, that the

Defendants have each obtained gains, profits and advantages as a result of their infringing activity in amounts within the jurisdiction of the Court.

23. Plaintiffs are informed and believe, and upon that basis allege, that they have suffered and continue to suffer direct and actual damages as a result of Defendants' infringing conduct, in amounts within the jurisdiction of this Court. In order to determine the full extent of such damages, including such profits as may be recoverable under 17 U.S.C. § 504, Plaintiffs will require an accounting from each Defendant of all monies generated from the promotion, display, sale and offer for sale of the Defendants' goods and services using the Plaintiffs' Works. In the alternative, Plaintiffs may elect to recover statutory damages pursuant to 17 U.S.C. § 504 (c) for each Plaintiffs' Works infringed.

24. Plaintiffs have no other adequate remedy at law and have suffered and continue to suffer irreparable harm and damage as a result of the above-described acts. Plaintiffs are informed and believe, and upon that basis allege, that, unless enjoined by the Court, Defendants' infringing activity will continue, with attendant irreparable harm to Plaintiffs. Accordingly, Plaintiffs seek preliminary and permanent injunctive relief pursuant to 17 U.S.C § 502 and seizure of the Unauthorized Media Product, including the means of production as provided by 17 U.S.C. § 503.

25. By reason of the foregoing, Plaintiffs have incurred and will continue to incur attorneys' fees and other costs in connection with the prosecution of its claims, which attorneys' fees and costs Plaintiffs are entitled to recover from the Defendants, and each of them, pursuant to 17 U.S.C. § 505.

26. Plaintiffs are without an adequate remedy at law in that damages are difficult to ascertain and, unless the Defendants' acts are enjoined, Plaintiffs will be irreparably harmed by Defendants' deliberate and systematic infringement of their rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Court to order that:

1. Defendants, their agents, servants, employees, representatives, successor and assigns, and all persons, firms, corporations or other entities in active concert or participation with any of the said Defendants, be immediately and permanently enjoined from directly or indirectly infringing the Plaintiffs' Works in any manner, including generally, but not limited to:

   a. Reproducing, distributing, shipping, selling or offering for sale unauthorized copies, in any format, of any of the Plaintiffs' Works; or
   b. Aiding or abetting the reproduction, distribution, shipment, sale or offer for sale of any unauthorized copies of any of the Plaintiffs' Works; or
   c. Marketing, advertising and/or promoting any unauthorized copies of the Plaintiffs' Works.

2. That Plaintiffs' and their designees are authorized to seize the following items which are in Defendants' possession, custody or control:

   a. All Unauthorized Media Product;
   b. Any other unauthorized product which reproduces, copies, counterfeits, imitates or bear any of the Plaintiffs' Works, or any part thereof;
   c. Any molds, screens, patterns, plates, negatives, machinery or equipment, specifically including computers, servers, optical disc burners and other hardware used for making or manufacturing the Unauthorized Media Product or unauthorized product which reproduces, copies, counterfeits, imitates or bear any of the Plaintiffs' Works, or any part thereof.

3. Defendants be required to pay actual damages increased to the maximum extent permitted by law and/or statutory damages at Plaintiffs' election;

4. Defendants be required to account for and pay over to Plaintiffs all damages sustained by Plaintiffs and profits realized by Defendants by reason of Defendants' unlawful acts herein alleged and that those profits be increased as provided by law;

5. Defendants be required to pay Plaintiffs their costs of this action and reasonable attorneys' fees; and

6. Plaintiffs be granted all other and further relief the Court may deem just and proper under the circumstances.

Dated: May 3, 2017

J. Andrew Coombs, A Professional Corp.

By: ______________________________
J. Andrew Coombs
Annie S. Wang
Attorneys for Plaintiffs Twentieth Century Fox Film Corporation and Warner Bros. Home Entertainment Inc.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs Twentieth Century Fox Film Corporation and Warner Bros. Home Entertainment Inc. hereby demand a trial by jury of all issues so triable.

Dated: May 3, 2017

J. Andrew Coombs, A Professional Corp.

By: ______________________________
J. Andrew Coombs
Annie S. Wang
Attorneys for Plaintiffs Twentieth Century Fox Film Corporation and Warner Bros. Home Entertainment Inc.

EXHIBIT "A"

FOX'S COPYRIGHT REGISTRATIONS

Copyright Registration Number:	Title of Work:
PA0001898578	AMERICAN HORROR STORY, ASYLUM – THE COMPLETE SECOND SEASON
PA0001824839	AMERICAN HORROR STORY, ASYLUM: Welcome to Briarcliff
PA0001824837	AMERICAN HORROR STORY, ASYLUM: Tricks and Treats Episode
PA0001824844	AMERICAN HORROR STORY, ASYLUM: Nor'easter
PA0001827033	AMERICAN HORROR STORY: 2ATS04, ASYLUM: I am Anne Frank Pt. 1
PA0001827040	AMERICAN HORROR STORY: 2ATS05, ASYLUM:I am Anne Frank Pt. 2
PA0001827055	AMERICAN HORROR STORY: 2ATS06, ASYLUM: The Origins of Monstrosity
PA0001829389	AMERICAN HORROR STORY: 2ATS07, ASYLUM: Dark Cousin
PA0001829383	AMERICAN HORROR STORY: 2ATS08, ASYLUM: Unholy Night
PA0001829381	AMERICAN HORROR STORY: 2ATS09, ASYLUM: Coat Hanger
PA0001836360	AMERICAN HORROR STORY: 2ATS10, ASYLUM: The Name Game
PA0001836350	AMERICAN HORROR STORY: 2ATS11, ASYLUM: Spilt Milk
PA0001835516	AMERICAN HORROR STORY, ASYLUM: Continuum
PA0001835514	AMERICAN HORROR STORY, ASYLUM: Madness Ends

EXHIBIT "B"

WARNER BROS.' COPYRIGHT REGISTRATIONS

Copyright Registration Number:	Title of Work:
PA0001709262	BOARDWALK EMPIRE: 1, Boardwalk Empire
PA0001709258	BOARDWALK EMPIRE: 2, The Ivory Tower
PA0001709256	BOARDWALK EMPIRE: 3, Broadway Limited
PA0001709260	BOARDWALK EMPIRE: 4, Anastasia
PA0001709265	BOARDWALK EMPIRE: 5, Nights in Ballygran
PA0001716941	BOARDWALK EMPIRE: 6, Family Limitation
PA0001716942	BOARDWALK EMPIRE: 7
PA0001716946	BOARDWALK EMPIRE: 8, Hold Me in Paradise
PA0001719464	BOARDWALK EMPIRE: 9, Belle Femme
PA0001719463	BOARDWALK EMPIRE: 10, The Emerald City
PA0001719466	BOARDWALK EMPIRE: Paris Green, 11
PA0001721376	BOARDWALK EMPIRE: 12, A Return to Normalcy
PA0001765830	BOARDWALK EMPIRE: 13, 21
PA0001765841	BOARDWALK EMPIRE: 14, Ourselves Alone
PA0001765838	BOARDWALK EMPIRE: 15, Dangerous Maid
PA0001769620	BOARDWALK EMPIRE: 16, What Does The Bee Do?
PA0001769650	BOARDWALK EMPIRE: 17, Gimrack & Bunkum
PA0001769789	BOARDWALK EMPIRE: 18, The Age of Reason
PA0001769786	BOARDWALK EMPIRE: 19, Peg of Old
PA0001774955	BOARDWALK EMPIRE: 20, Two Boats and a Lifeguard
PA0001774428	BOARDWALK EMPIRE: 21, Battle of the Century
PA0001772465	BOARDWALK EMPIRE: 22, Georgia Peaches
PA0001772461	BOARDWALK EMPIRE: 23, Under God's Power She Flourishes
PA0001776120	BOARDWALK EMPIRE: To the Lost: 24
PA0001818531	BOARDWALK EMPIRE: Resolution: 25
PA0001818535	BOARDWALK EMPIRE: 26, Spaghetti & Coffee
PA0001818538	BOARDWALK EMPIRE: 27, Bone for Tuna
PA0001828834	BOARDWALK EMPIRE: 28, Blue Bell Boy
PA0001829013	BOARDWALK EMPIRE: 29, You'd Be Surprised
PA0001829012	BOARDWALK EMPIRE: 30, Ging Gang Goolie
PA0001825405	BOARDWALK EMPIRE: 31, Sunday Best
PA0001825403	BOARDWALK EMPIRE: 32, The Pony
PA0001829591	BOARDWALK EMPIRE: 33, The Milkmaid's Lot

PA0001830767	BOARDWALK EMPIRE: 34, A Man, A Plan
PA0001827692	BOARDWALK EMPIRE: 35, Two Imposters
PA0001835551	BOARDWALK EMPIRE: 36, Margaret Sands
PA0001870396	BOARDWALK EMPIRE: 37, 401 New York Sour
PA0001873472	BOARDWALK EMPIRE: 38, Resignation
PA0001870399	BOARDWALK EMPIRE: 39, 403 Acres of Diamonds
PA0001870163	BOARDWALK EMPIRE: 40, All In
PA0001870161	BOARDWALK EMPIRE: 41, Erlkonig
PA0001887236	BOARDWALK EMPIRE: 42, The North Star
PA0001887364	BOARDWALK EMPIRE: 43, William Wilson
PA0001887905	BOARDWALK EMPIRE: 44, The Old Ship of Zion
PA0001887862	BOARDWALK EMPIRE: 45, Marriage and Hunting
PA0001888486	BOARDWALK EMPIRE: 46, White Horse Pike
PA0001888485	BOARDWALK EMPIRE: 47, Havre De Grace
PA0001896810	BOARDWALK EMPIRE: 48, Farewell Daddy Blues
PA0001934230	BOARDWALK EMPIRE: 49, Golden Days for Boys and Girls
PA0001934947	BOARDWALK EMPIRE: 50, The Good Listener
PA0001935955	BOARDWALK EMPIRE: 51, What Jesus Said
PA0001933034	BOARDWALK EMPIRE: 52, Cuanto
PA0001938619	BOARDWALK EMPIRE: 505 (53), King of Norway
PA0001938624	BOARDWALK EMPIRE: 506 (54), Devil You Know
PA0001938628	BOARDWALK EMPIRE: 507 (55), Friendless Child
PA0001943347	BOARDWALK EMPIRE: 56, Eldorado